

**Minutes of the State Board of Health**

**May 12, 2004**

The Washington State Board of Health (SBOH) met at Dolce Skamania Lodge located at 1131 SW Skamania Lodge Way, Stevenson, Washington. Chair Linda Lake called the public meeting to order at 9:05 a.m. and addressed the attendees with the following statement:

“This is a public meeting of the State Board of Health held under provisions of chapter 43.20 RCW. Notice of the meeting was provided in accordance with provisions of chapter 34.05 RCW, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s Web site at [www.sboh.wa.gov](http://www.sboh.wa.gov). They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Executive Assistant Desiree Robinson or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

**SBOH members present:**

Linda Lake, MBA, Chair	Charles Chu, DPM
Ed Gray, MD	Vickie Ybarra, RN, MPH
Thomas H. Locke, MD, MPH, Vice Chair	The Honorable David Crump, PhD
Janice Adair (for Mary Selecky)	

**SBOH members absent:**

Mel Tonasket  
Carl Osaki, RS, MSPH  
The Honorable Carolyn Edmonds

**State Board of Health Staff present:**

Craig McLaughlin, Acting Executive Director	Candi Wines, Health Policy Advisor
Tara Wolff, Health Policy Advisor	Desiree Robinson, Executive Assistant
Marianne Seifert, Health Policy Advisor	Heather Boe, Assistant to the Board
	Nicole Campbell, Policy Intern

**Guests and Other Participants:**

Marilyn Butler, Skamania County Public Health	Michelle Davis, Department of Health
Frank Casarez, Skamania Lodge	Maryanne Guichard, Department of Health
Vic Colman, Department of Health	Ellen Haars, Department of Health
Ron Feik, Landover Athletic Club	Dick Johnson, Oxford Athletic Club
Yvette Fox, Department of Health	Al McKee, Skamania County Commissioner
Linda Furkay, Department of Health	Steve Meyer, Department of Health
Tom Gibbs, Department of Health	Colin O’Brien, Columbia Athletic Clubs
Leila Goldring, Skamania County Parks & Recreation	Ray Osman, City of Vancouver
	Richelle Peterson, Department of Health
	Randy Phillips, Clark County Health

**APPROVAL OF AGENDA**

*Motion: Approve May 12, 2004 agenda*

*Motion/Second: Ybarra/Locke*

*Approved unanimously*

**ADOPTION OF MARCH 10, 2004 MEETING MINUTES**

***Motion: Approve the March 10, 2004 minutes as written***

***Motion/Second: Crump/Locke***

***Approved unanimously***

### **WELCOME & UPDATE FROM SKAMANIA BOARD OF HEALTH**

Al McKee, Chair, Skamania County Board of Health, thanked the Board for holding its meeting in Skamania County. He explained that Skamania County, the first county east of the Cascades in the Washington Territory, is celebrating its 150<sup>th</sup> anniversary. Mr. McKee highlighted some of the natural and notable features of the county, including its location in the Columbia River Gorge.

Marilyn Butler, Public Health Administrator Skamania County gave an overview of the Skamania County Health Department and its unique administrative and delivery structure. Ms. Butler provided a handout to summarize her presentation (see handout for more information). The county has a contract with Clark County to provide public health services to Skamania residents. A survey of Skamania County citizens found that they were generally satisfied with services, especially the health department. Skamania County used to be part of the three-county Southwest Washington Health District, along with Klickitat and Clark counties. Klickitat left the partnership in 1998. In 2002, Clark County decided to form its own county department, thus Skamania began to plan for its own public health system. After setting goals, the administrators came up with three options: 1) create a single-county health district/department and provide services in-house; 2) form a two-county health district with Klickitat; or 3) form its own health department and contract for services from Clark or Klickitat counties. Skamania County decided on option three and is currently 17 months into a two-year contract with Clark County. Presently, Skamania County is evaluating the arrangement and contemplating any necessary changes.

Chair Lake thanked Mr. McKee and Ms. Butler for their presentations. Board Member David Crump asked whether it was too close to the end of the contract to negotiate changes. Ms. Butler replied that Skamania County administrators need to let Clark County know by June 30 if there will be changes, which would allow for a six-month lead time. Mr. Crump also asked how money was distributed among the contracting entities. Ms. Butler explained that most of the money goes to Clark to pay for services, but administrative costs are paid to Skamania. Chair Lake asked what the options would be for Skamania if the county decided it needed a service that Clark County doesn't offer.

Chair Lake asked Mr. McKee if he felt Skamania County was constrained by the relationship with Clark or if the county got everything it needed from the contractual agreement. Mr. McKee responded that it feels like Clark County provides enough, but there are constraints that come from not having enough financial resources.

Vice Chair Tom Locke asked about contracting for health officer services. Ms. Butler indicated that Skamania pays for and receives part of the Clark County health officer's time. Dr. Locke also asked if it become necessary for Skamania County to pass its own health codes. Ms. Butler noted that, under the existing agreement, Skamania County uses Clark County codes, but if new codes are adopted by Clark County, Skamania has the option to adopt them or not.

Chair Lake asked Mr. McKee and Ms. Butler to discuss some of the public health issues that the county faces. Mr. McKee noted that Skamania County is not exempt from issues that arise in more urban areas; for example, bioterrorism is an issue because a main transportation corridor passes through the county, along with a major railroad route, power lines, and natural gas lines. The Bonneville Dam is also located in the county. Mr. McKee noted that environmental health is a big issue and that decreasing revenues presents challenges for providing services. Chair Lake asked if the county was able to provide mental health services. Ms. Butler replied that Skamania County is still directly providing mental health services, but the lack of insurance is creating a huge issue. Board Member David Crump asked how Skamania County addressed water quality in the Columbia River. Mr. McKee replied that he is personally active in water quality issues and noted that septic systems and roads can pose a threat if they are not properly maintained.

### **VACCINE RULE UPDATE, WAC 246-100-166, AND PROPOSAL FOR FUTURE PROCESS**

Tara Wolff, SBOH Health Policy Advisor directed Board members to the materials behind Tab 4. Richelle Peterson, Manager of the DOH Immunization Program gave an overview of that program (see presentation slides behind Tab 4). Board Member David Crump asked for and

received additional information about what constituted 100 percent of the target population for vaccine coverage and how DOH accomplished health awareness and marketing of vaccines.

Dr. Locke reviewed the Board's role in immunization policy, which is to develop the list of vaccines mandated for school entry. School entry requirements are very effective for achieving high levels of vaccination and protecting children, he said. The school entry list is a subset of the larger recommended list, for example, varicella, influenza, Hep A, and others are not on the school entry list. A year ago, the Board announced it would examine the rule and issued a CR-101. The past year was spent scoping the rule and discovering other issues outside of the current CR-101. Many parallels were drawn between the Board's rule on school entry and on the Board's rule on newborn screening (NBS) tests. It was noted that there is no established and systematic process for evaluation of vaccines. He proposed that the Board adopt a process similar to that used for newborn screening (NBS) and develop a task force that would establish criteria and schedule regular reviews. He also noted that during the vaccine rule review, issues that might be beyond the Board's authority were also discovered; for example the statute provides a liberal exemption policy, which limits the "mandatory" nature of the program. He recommended examining the issue to determine if it warrants a statutory change.

Chair Lake asked about the relationship between the federal entitlement to the state and what the state includes in its mandatory lists. Dr. Locke explained that the federal Vaccine For Children (VFC) program is driven by a national advisory board and when the national board approves a vaccine, universal distribution states match the federal list. In Washington, the state pays for vaccines not covered by the VCF program. Board Member Vickie Ybarra asked if it was reasonable to envision adding a vaccine to the State's list that is not on the federal list. Dr. Locke replied that it is not likely.

Dr. Locke noted that the Board currently references the 1995 ACIP schedule for vaccines in its rule. He recommended that this be updated, preferably every year or at least every time the ACIP schedule changes.

Board Member Vickie Ybarra asked if the difference between federal VFC funding and state funding represent the state's commitment to universal coverage, and she inquired whether some children can be covered under private insurance. Ms. Peterson said it was not known how many children served by the program could be covered by private insurance. Dr. Locke noted a 1995 study that found that the state was getting vaccine at greatly reduced prices, and if insurance plans pay for vaccines, it would cost much more.

Chair Lake commented that universal provision doesn't imply universal coverage. Dr. Locke said universal coverage was likely more of an issue of education, access to care, and anti-vaccine campaigns, not availability. Board Member Vickie Ybarra asked if the universal distribution system in Washington was provided for in legislation or in rule and about how it is regulated. Dr. Locke replied that the legislature budgets for the program every biennium; it is not a standing legislated program. Board Member Dr. Charles Chu asked about the coverage rate for the polio vaccine and Ms. Peterson responded that it is very high in this state.

Board Member Vickie Ybarra asked if the Board's requirements have anything to do with the exclusion of school children that are not compliant. The Board's rule sets out criteria by which children can be excluded from school, but the State Board of Education provides the due process and enforcement of exclusion. Ms. Ybarra noted that many children show up at school and are not immunized but the parents do not claim an exemption and school administrators decide whether or not to allow the children to attend in school. She suggested that the Board make a recommendation to the State Board of Education in this regard.

***Motion: The Board accepts the recommendations that it -***

- 1. Work with the Department of Health to convene an advisory group on vaccination requirements as a condition of school entry. The group's primary charge should be to develop criteria for determining whether specific immunizing agents should be required, assess current and proposed agents against those criteria, and recommend a list of required agents for the Board to consider adopting in rule.***
- 2. Continue ongoing efforts to update and clarify the existing rule, WAC 246-100-166.***

***Motion/Second: Locke/Crump***

***Approved unanimously***

### **TRANSIENT ACCOMMODATION RULE UPDATE, CHAPTER 246-360 WAC**

Craig McLaughlin, SBOH Acting Executive Director, introduced the agenda item in the absence of Board rule sponsor, Carl Osaki (see materials behind Tab 5). He highlighted specific issues that came up during the process including access to occupied rooms and requirements for homeless shelters. Michelle Davis, Rules Manager for the Department of Health introduced Linda Furkay, Executive Manager of the Office of Services and Facilities Licensing, and thanked Craig McLaughlin for his leadership especially on the homeless shelter issues. Ms. Furkay directed the Board to a description of the DOH Transient Accommodations Program (see handouts behind Tab 5 for more information). She reviewed the purpose for changing the regulations, described the rule development process and provided an overview of the proposed changes. Board members asked follow-up questions about cleaning up methamphetamine labs in rental facilities, the value of these regulating transient accommodation from a public health perspective, whether these rules would apply to tent cities, and the lack of roundtable members from the east side of the state.

### **WATER RECREATION CR-102 HEARING, CHAPTER 246-260 WAC**

Mr. McLaughlin introduced the item in the absence of Board sponsor Carl Osaki and directed the Board members to the materials behind Tab 6. Maryanne Guichard, DOH Director of Environmental Health and Safety provided an overview of the rule revision process. Gary Fraser, DOH Program Manager for Water Recreation, reviewed the public comments received, which were summarized in a revised table distributed at the meeting.

Board Member Dr. Ed Gray asked why the 11-15 year olds would be excluded from a pool unless a lifeguard was present, when the over 20 year olds have a greater submersion rate. Mr. Fraser replied that there are a larger number of people over 20. Dr. Gray added that his point is that the draft rule would disenfranchise 11-15 year olds, and that he would like to see data on the number of swimmers. Mr. McLaughlin added that the elderly might be at greater risk than other age groups. Mr. Fraser added that swimming pools represent the greatest number of swimmers, while drownings are greater in the open waters. Dr. Gray also asked for data on the number of drownings and submersions in lifeguarded pools. Mr. Fraser replied that the data indicated that lifeguards reduce the risk of drowning through education and rescuing. Dr. Gray asked if 11-15 year olds could swim if parents or guardians were there. Ms. Guichard replied that parents don't always make the best lifeguards.

Mr. Crump asked about facilities such as RV parks or campgrounds. Mr. Fraser replied that those facilities were "limited use" facilities, so they would not be covered by the lifeguarding rule, but there are still requirements. He added that clubs have offered specific times when children are allowed in the pool. The proposed timeline for compliance is October 31, 2004—there's no phase-in for the lifeguarding component, although there is for other components.

Dr. Gray added that the principle behind the rule is fine, but it will force closures and make it more difficult for parents to go to pools with their children. Dr. Gray asked for more data on where the drownings took place. Mr. Fraser described several drownings and near drownings, which also have severe health impacts, and offered to get the Board more information.

Chair Lake invited public testimony:

Randy Phillips, Clark County Health Department & Member of the Advisory Committee, commented that he supported the rule revisions as presented. He asked for a more proactive response regarding single main drain issue due to evisceration risks. He said he hopes that the DOH guidance on this will be brought back to the committee. Dr. Locke asked about an official recommendation from the EH directors. Mr. Phillips replied that he is no longer on the committee so he isn't sure.

Dick Johnson, Manager, Oxford Athletic Club, testified that got involved in this issue because he was told small pools would need a lifeguard every minute they were open, and his couldn't afford it. His club has a schedule for family swim time now. He added that parents are not lifeguards, and he firmly believes that youngsters under 16 or so need to be taught how to swim and about deep water. Lifeguards have costs, but he believes they are needed. One of his main objections is that motels and hotels don't have to have lifeguards. He added that he has water rescue requirements for his staff. It's a tough situation, but it works.

Ron Feik, Manager, Landover Athletic Club, affirmed that it would cause a hardship to have lifeguards on duty whenever the pool is open. A pool is a pool, he said, and if they're required

for private clubs they should be required for hotels, motels and other facilities. Where do the drownings happen? The ruling should be fair to everyone. The costs will shut the door. He is opposed to having a lifeguard on duty every hour he is open. He has lifeguards during specific times, such as family swim times.

Board Member Vickie Ybarra asked for clarification on the proposed rule's lifeguarding requirements. Ms Guichard replied that lifeguards are required only when children are present. She also reviewed drowning data—4 in guarded pools, 13 in unguarded pools. Near drownings: 33 in guarded pools, 59 in unguarded pools, and 8 in undetermined pools. She reviewed the age group data also, and submitted the data to board staff.

***Motion:***

***The Board adopts the revised chapter 246-260 WAC as published in WSR 04-08-099 with the following change: In WAC 246-260-171(1) the date “July 26, 1987” is changed to “October 31, 2004.”***

***Motion/Second: Locke/Chu***

One member indicated he would vote against the rule while others said they had remaining questions. Ms. Ybarra asked Dr. Gray to restate his concerns. Dr. Gray said there's a reduction in parental authority implied, and his feeling is that it there should be parents present. Dr. Locke added that there are dilemmas in this rule, and that if this rule results in closure of pools, that removes the health benefits from access to exercise, and may be an unintended consequence of the improved safety aspect. He asked for the number of pools that might have to close. Mr. Fraser replied that they looked at cost impact, but not if it might lead to closure. Board Member Janice Adair asked about the cost saving listed for the lifeguarding requirement. Mr. Fraser added that some facilities will have cost increases, some will have cost savings

Mr. McLaughlin and Ms. Davis discussed the Board's options under the Administrative Procedures Act. They noted that the Board had a 180-day window for taking action under the existing CR-102.

Chair Lake said she didn't want to drag out the timeline, and asked the Board if they should table it and vote in July, or consider a partial or full adoption. Ms. Davis added that the Board could adopt most of the rule, and file a continuance for the sections requiring additional time. Dr. Locke said he was in favor of tabling rather than partial adoption in order to get a broader consensus among the Board members. Ms. Guichard noted that there would be an impact on the DOH training schedule.

Dr. Locke withdrew his motion. Chair Lake said the Board would continue the discussion and vote until its July meeting and instructed staff to make arrangements.

**LUNCH**

**DEPARTMENT OF HEALTH UPDATE**

Ms. Adair provided the DOH update on Secretary Selecky's behalf. In March the CDC announced that obesity is a leading cause of death in the USA. In response, DOH established a group to work with local communities to develop policies to support physical activities. There was a measles outbreak in Washington involving seven cases from the same adoption agency in China. Lead traces have been discovered in some Seattle schools' drinking water. A brochure and other resources have been developed by DOH to help schools to proactively investigate this issue. The Secretary of Health and Human Services has appointed State Health Officer Maxine Hayes to be part of a national committee to address infant mortality issues. This is a four-year appointment.

**SBOH ANNOUNCEMENTS & OTHER BOARD BUSINESS**

Mr. McLaughlin noted that Dr. Locke has recently been recognized by the Washington Health Foundation and named a “Hero of Healthcare” in the public health leadership category. Dr. Locke was the first ever recipient of this honor. Mr. McLaughlin announced that Dr. Locke has agreed to lead the search for a new executive director of the Board. He directed the Board's attention to the position description and advertisement for the position found under Tab 8. The Board anticipates getting a good number of applicants for the position, Dr. Locke said. While the details for the process of hiring an Executive Director are not totally worked out, Dr. Locke proposes establishing a subcommittee to interview the most qualified candidates. The authority for appointing the Executive Director resides with the Chair, but the goal is to get Board consensus on the decision and have the appointment made by October 1, 2004. Mr. McLaughlin noted that Candi Wines has accepted an extension of her temporary position with the Board and

asked Nicole Campbell to introduce herself. Nicole is an intern working with Ms. Wolff on the community forums. He also alerted the Board that the office will be moving and the offices will be closed May 21. He called the Board's attention to the fact that the FYI section was missing from their folders and indicated that handouts had been provided instead. Craig called the Board's attention to Snohomish County budget problems that have been highly publicized. He also called their attention to Washington Health Foundation's letter to the Governor regarding premium co-payments for parents. Ms. Ybarra then discussed an "op-ed" piece on school nurses, and reminded everyone that May 12<sup>th</sup> is School Nurse day.

#### **WEST NILE VIRUS UPDATE**

Candi Wines, WSBOH Policy Analyst introduced the discussion of West Nile virus (WNV) and directed the Board to the materials behind Tab 9. Dr. Locke reminded the Board that it had requested an update at the beginning of mosquito season.

Ms. Guichard explained that Washington has had time to prepare for this issue, since WNV is generally moving from the eastern part of the country into the western part. She said that Washington has a state-level response plan in place and a number of local health jurisdictions have also developed their own plans. Ms. Guichard discussed surveillance and control and Tom Gibbs, Department of Health discussed mosquito control (see presentation behind Tab 9).

Board members asked the DOH staff members questions about the impact of larvae control on other wildlife, the long response time for tests, kits that are being distributed to local health jurisdictions to test mosquito pools, the participation of the Tribes, cross-border issues, community education efforts, funding levels, and whether the problem might eventually go away on its own.

Chair Lake asked about known nuisances such as tire piles and wondered if progress had been made regarding authority to go on private property. She was reassured that Mosquito Control Districts (MCD) are able to address this issue. Dr. Locke explained that local health officers also have broad authority as long as the courts back them up, but he noted, that Washington has strict private property laws. Ms. Guichard commented that issues related to access to private property are being explored and discussed.

Dr. Locke summed up the presentation and indicated that the time to prepare for WNV has been used well by DOH and its partners. He commended this work and acknowledged Maryanne Guichard and Tom Gibbs for their efforts.

#### **RECOGNITION OF THE CONTRIBUTIONS OF VICKIE YBARRA TO THE WASHINGTON STATE BOARD OF HEALTH**

Chair Lake recognized Vickie Ybarra for her service to the State of Washington and the Board. She presented her with a clock that was a gift from the Board and read the Proclamation of Recognition. Chair Lake, Dr. Locke, Ms. Adair on behalf of Mary Selecky, and Mr. Crump expressed their thanks and appreciation of her work.

#### **BREAK 3:15-3:30pm**

#### **PUBLIC TESTIMONY**

None

#### **ADJOURNMENT**

Chair Lake adjourned the meeting at 3:30 p.m.

**WASHINGTON STATE BOARD OF HEALTH**

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Tom Locke, Chair